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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8 EDDIE J. COMBS,  
9                   Plaintiff,  
10 v.  
11 STEVE TUCKER, et al.,  
12                   Defendants.

7                   CASE NO. C11-5978BHS  
8  
9                   ORDER ADOPTING REPORT  
10                  AND RECOMMENDATION

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12                  This matter comes before the Court on the Report and Recommendation (“R&R”)  
13 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 16) and  
14 Plaintiff Eddie J. Combs’s (“Combs”) objections to the R&R (Dkt. 19). The Court has  
15 considered the R&R, Combs’s objections, and the remaining record, and hereby adopts  
16 the R&R for the reasons stated herein.

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18                  On November 21, 2011, Murphy filed his civil rights complaint alleging violations  
19 by Defendants of 42 U.S.C. § 1983. Dkt. 7. On January 23, 2012, Judge Strombom  
20 issued an order for Combs to amend his complaint to allege cognizable claims or show  
21 cause why it should not be dismissed. Dkt. 9. On February 16, 2012, Combs filed an  
22 amended complaint. Dkt. 13. On March 23, 2012, Judge Strombom issued the R&R

1 recommending that Combs's amended complaint be dismissed without prejudice as  
2 frivolous and that the dismissal count as a strike under 28 U.S.C. § 1915(g). Dkt. 16 at 6.  
3 On April 2, 2012, Combs filed objections to the R&R. Dkt. 19.

4 After allowing Combs to amend his complaint, Judge Strombom found that  
5 Combs failed to cure the deficiencies raised in the order to amend or show cause,  
6 including the fact that Combs alleges claims that must be brought in a petition for writ of  
7 habeas corpus. *See* Dkt. 16. In his objections, although somewhat illegible, Combs fails  
8 to make any specific objections to Judge Strombom's findings or explain how he has or  
9 intends to cure the deficiencies raised in order to amend or show cause. Dkt. 19.  
10 Accordingly, Combs has failed to make an effective objection to the R&R or otherwise  
11 show how Judge Strombom erred in recommending that his complaint be dismissed.  
12 Accordingly, the Court will adopt the R&R.

13 The Court having considered the R&R, Comb's objections, and the remaining  
14 record, does hereby find and order as follows:

15 (1) The R&R is **ADOPTED**; and  
16 (2) This action is **DISMISSED without prejudice** and the dismissal will count  
17 as a **strike** under 28 U.S.C. § 1915(g).

18 Dated this 16<sup>th</sup> day of May, 2012.

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BENJAMIN H. SETTLE  
United States District Judge